

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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JAMES S. HAWKINS-EL III et al., pro se, :
: **ORDER**
Plaintiffs, :
:
-against- : 05-CV-3222 (DLI)(LB)
:
AIG SAVINGS BANK, :
Defendant. :
-----x

DORA L. IRIZARRY, U. S. District Judge:

Plaintiffs' request for an "Interlocutory Injunction," filed November 28, 2005, will be deemed a motion for a preliminary injunction. Defendants need not respond. For the following reasons, plaintiffs' motion is denied.

Plaintiffs make no factual and legal arguments in support of the motion. Indeed, it is a bare request to stay any further loan payments to the defendants pending the outcome of the fully briefed motion to dismiss.¹ Nevertheless, the court will address the motion.

In order to obtain a TRO, plaintiffs must show: (1) that absent such an order, they are likely to suffer irreparable harm; and (2) either a likelihood of success on the merits or "sufficiently serious questions going to the merits to make them a fair ground for litigation, with a balance of hardships tipping decidedly in the [applicant's] favor." *In re Feit & Drexler, Inc. v. Drexler*, 760 F.2d 406, 416 (2d Cir. 1985) (citations omitted); *see also Jackson Dairy, Inc., v. H.P. Hood & Sons, Inc.*, 596 F.2d 70, 72 (2d Cir. 1979).

Plaintiffs have made no such showing. Moreover, generally speaking, irreparable harm

¹ The motion to dismiss was fully briefed on August 1, 2005. Docket at 5, *Hawkins v. AIG Federal Savings Bank*, No. 05-CV-3222 (E.D.N.Y. Aug. 1, 2005). This motion has been referred to U.S. Magistrate Judge Lois Bloom and will be decided in due course. Docket at 7, *Hawkins v. AIG Federal Savings Bank*, No. 05-CV-3222 (E.D.N.Y. Aug. 5, 2005).

cannot be established where, as here, a party's claimed loss can be adequately remedied by a monetary award. *In re Feit & Drexler, Inc.*, 760 F.2d 406, 416 (2d Cir. 1985).

Because plaintiffs have failed to satisfy their burden, their motion for a preliminary injunction is denied.

DATED: Brooklyn, New York
 November 30, 2005

DORA L. IRIZARRY
United States District Judge